

BILL NO. S-69-12-08

SPECIAL ORDINANCE NO. S-389-70

AN ORDINANCE confirming the grant and sale of certain real estate owned by the City of Fort Wayne, Indiana to John J. McDonald.

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, by Special Ordinance No. S-690, adopted April 24, 1962, authorized the sale of certain real estate owned by the City of Fort Wayne and described as follows:

Lots 32 and 33 in Eastwood Addition to the City of Fort Wayne, being a subdivision of the West 2084-1/4 feet of the North 1991 feet of the Southwest Quarter of Section 8, Township 30 North, Range 13 East, in Allen County; excepting therefrom the North 10 feet dedicated for the widening of New Haven Avenue; and

WHEREAS, said Ordinance No. S690 states in Section 2 "that upon full payment of the purchase price of said real estate to said City, the Mayor and Board of Public Works, in the name of and for and on behalf of said City, shall be, and they hereby are, authorized and directed to execute and deliver an instrument granting and conveying to the highest bidder for the purchase of said above-described real estate in fee simple, the signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne and accompanied by the seal of said City."; and

WHEREAS, said Section 2 of Special Ordinance No. S-690 requires more than the law, as set forth in Burns Annotated Statutes 48-1407, paragraph 50, as follows: "Such conveyance shall be by the Mayor, in the name of the City, attested by the City Clerk, and with the seal of the City."; and

WHEREAS, a deed of conveyance from the City of Fort Wayne to John J. McDonald was executed on May 2, 1963, wherein the City of Fort Wayne, by the signature of the Mayor of the City of Fort Wayne, Indiana, and with the attestation by the City Clerk of the City of Fort Wayne, contrary, however, to Special Ordinance No. S-690, without the signatures of the members of the Board of Public Works of the City of Fort Wayne, did convey to said John J. McDonald the above-described real estate; and

WHEREAS, there now exists a defect in the title of the above-described property because of the Board of Public Works' failure to join in said deed; and

WHEREAS, it is contrary to law to require such Board of Public Works' signatures; and

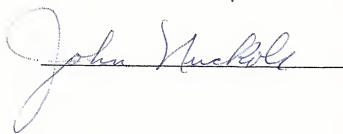
WHEREAS, it is the desire of the Common Council of the City of Fort Wayne to confirm said conveyance, for which the City of Fort Wayne has already been remunerated, by adoption of a corrective ordinance and execution of corrective deed:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne hereby confirms the conveyance made by the City of Fort Wayne to John J. McDonald, said conveyance being made on the 2nd day of May, 1963, for which the entire sale price therefor, established pursuant to appraisals in accordance with the law, be hereby confirmed, and that, to correct the existing title defect, the Mayor, in the name of and for and on behalf of said City, shall be, and is hereby, authorized and directed to execute and deliver a corrected deed, granting and conveying to the said John J. McDonald the above real estate in fee simple, the signature of the Mayor being attested by the City Clerk of the City of Fort Wayne, and accompanied by the seal of said City.

SECTION 2. That this Ordinance shall be and constitute sufficient authority for the Mayor and the City Clerk of the City of Fort Wayne to execute a corrective deed of conveyance of said above-described real estate in fee simple.

SECTION 3. This Ordinance shall be in full force and effect on and after ~~xxx~~ its passage and approval by the Mayor.




APPROVED AS TO FORM
AND LEGALITY.

CITY ATTORNEY

Read the first time in full and on motion by Nuckols seconded by Steigerwald and duly adopted, read the second time by title and referred to the (Committee on) Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196 , at _____ o'clock P.M., E.S.T.)

Date: 12-23-69

Fred H. Bonachon
City Clerk

Read the third time in full and on motion by Fay seconded by Steigerwald and duly adopted, placed on its passage.
Passed (~~lost~~) by the following vote:

AYES	<u>7</u>	NAYS	<u>0</u>	ABSTAINED	<u> </u>	ABSENT	<u>2</u>	to-wit:
Adams	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Dunifon	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
Fay	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Geake	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Nuckols	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
Robinson	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Rousseau	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Steigerwald	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Tipton	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Date 1-13-70

Fred H. Bonachon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~)(General)(Annexation)(Special)(Appropriation) Ordinance (~~Resolution~~) No. 5389-70

on the 13th day of January, 196 70.

ATTEST: (SEAL)

Fred H. Bonachon
City Clerk

Herbert F. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of January, 196 70 at the hour of 8:30 o'clock A.M., E.S.T.

Fred H. Bonachon
City Clerk

Approved and signed by me this 19th day of January, 196 70, at the hour of 8:51 o'clock A.M., E.S.T.

Harold A. Zeis
Mayor

Bill No. S-69-12-08

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
confirming the grant and sale of certain real estate owned by the City of Fort
Wayne, Indiana to John J. McDonald,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

JOHN NUCKOLS, Chairman

CELIA ANN FAY, Vice-Chairman

THOMAS G. ADAMS

JACK K. DUNIFON

EDWIN J. ROUSSEAU

John Nuckols
Celia Ann Fay

Jack K. Dunifon
Edwin J. Rousseau

CONCURRED IN

DATE 1-13-70 FUAD G. BONAHOOM, CITY CLERK